REMARKS/ARGUMENTS

Claims 1-26 are pending in the application. By this Amendment, claims 1, 3 and 5 are amended and claims 19-26 are added. Support for the amended and new claims can be found throughout the originally filed specification and drawings. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

I.   FORMAL MATTERS

The Office Action objected to claim 1 because of certain language appearing in that claim. By this Amendment, claim 1 is amended to obviate this objection. Accordingly, withdrawal of the objection is respectfully requested.

II.   ALLOWABLE SUBJECT MATTER

The Office Action indicates that claim 5 contains allowable subject matter. The indication of allowable subject matter is acknowledged with appreciation. However, because it is believed that all claims are allowable over the references of record, Applicant respectfully declines to rewrite claim 5 in independent form at the present time.

III.   CLAIMS 1-4 AND 10-16

The Office Action purports to reject claims 1-5 and 10-16 under 35 USC § 103(a) over Fangman (U.S. Patent No. 7,068,646), in view of White (U.S. Patent No. 6,711,241). Because

the Office Action also indicates that claim 5 contains allowable subject matter, Applicants

assume, for purposes of this reply, that the Office Action intended to reject only claims 1-4 and

10-16. Because Fangman and White fail to disclose or suggest all the features of these claims,

the rejection is respectfully traversed.

Fangman discloses a typical voice over internet (VoIP) system for connecting telephone

callers to one another using digital data packets. It appears that the Fangman system relies upon

IP telephones which generate digital signals which are sent between the phones via digital data

packet transmissions.

White discloses a typical (VoIP) telephone system which also allows telephone users to

complete telephone calls via the internet using digital data transmissions. The Office Action

focuses on the method illustrated in Fig. 5 of White. In this method, a telephone call is set up

between a calling telephone and a called telephone. During the call setup process, an originating

gateway sends a call setup request to a destination gateway over the internet. The destination

gateway attempts to connect the call to the called party. If the destination gateway is unable to

complete the call to the called party, the destination gateway sends a signal back to the

originating gateway to advise that the telephone call could not be completed.

Note, in the White method illustrated in Fig. 5, when the destination gateway is unable to

complete the telephone call to the called party, the destination gateway merely sends back a

message to the originating gateway which originally sent the sent the call setup request. The

message indicating that the call could not be completed. White fails to disclose or suggest any

type of method where a call setup request is received from a first originating gateway, and

wherein if the destination gateway cannot complete the call, the destination gateway sends a message indicating that the call could not be completed to a second different originating gateway.

A.   Claims 1-4 and 10-13

Claim 1 is directed to a method for routing telephone calls over the internet between an originating gateway and a destination gateway. Claim 1 recites selecting a destination gateway that routes telephone calls to a destination telephone. Claim 1 also recites selecting an optimal route from a plurality of routes, wherein each route includes an originating gateway that sends data packets to the selected destination gateway. Claim 1 further recites that the originating gateway on the optimal route comprises a "source" gateway. Claim 1 also recites inserting header data into digital data packets containing a call setup request, wherein the header data ensures that data packets containing a failed call setup request are returned to the source gateway, even when the originating gateway is not the source gateway.

In a method as recited in claim 1, a call set up request can be sent from a first originating gateway to a destination gateway, and if the destination gateway is unable to complete the call, the destination gateway will send back a failed setup message not to the first originating gateway, but rather to a second different originating gateway. As explained in the present application, this type of a call setup method is advantageous in preventing unnecessary looping and message traffic during a telephone call setup procedure. The method as recited in claim 1 ensures that no matter which originating gateway sends the call setup request, any failed setup messages are always send back to the "source" gateway located on the optimal route.

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Because neither Fangman nor White disclose or suggest a method wherein header data is inserted into digital data packets containing a call setup request such that the header data ensures that data packets containing a failed call setup request are always returned to the "source" gateway, regardless of which originating gateway sent the call set up request, it is respectfully submitted that claim 1 is allowable. Claims 2-4 and 10-13 depend from claim 1 and are allowable for at least the reasons discussed above. In addition, the dependent claims recite additional features which are also not shown or suggested by Fangman or White. It is respectfully submitted that the dependent claims are also allowable for these additional reasons.

B.   Claims 14-16

Claim 14 is directed to a system configured to route telephone calls over the internet. Claim 14 recites a routing controller configured to generate routing information that identifies routes for communicating digital data packets bearing telephone calls over the internet. Claim 14 also recites a source gateway configured to receive the routing information and to insert header data into data packets containing a call set up request. Claim 14 recites that the header data inserted into the data packets containing the call set up request is configured to ensure that if a call set up attempt fails, the data packets containing the call setup request will be returned to the source gateway, regardless of which originating gateway placed the data packets onto the internet.

As explained above, neither Fangman nor White disclose or suggest a system wherein a call set up request could be sent to a destination gateway by a first originating gateway, and wherein the destination gateway would send a failed setup message back to a different

originating gateway. Accordingly, it is respectfully submitted that claim 14 is allowable for the same reasons discussed above in connection with claim 1. Claims 15 and 16 depend from claim 14 and are allowable for at least the same reasons, and for the additional features which they recite.

In view of all the foregoing, withdrawal of the rejection of claims 1-4 and 10-16 is respectfully requested.

IV.   CLAIMS 6-9, 17 AND 18

The Office Action rejects claims 6-9, 17 and 18 under 35 USC § 103(a) over Fangman, in view of White, and further in view of Sasagawa (U.S. Patent No. 6,914,898). The rejection is respectfully traversed.

Claims 6-9 depend from claim 1, and claims 17 and 18 depend from claim 14. As discussed above, Fangman and White fail to disclose or suggest all the features of independent claims 1 and 14. Sasagawa fails to cure the deficiencies of Fangman and White discussed above. For at least this reason, it is respectfully submitted that claims 6-9, 17 and 18 are allowable over the references of record.

In addition, claim 8 recites that the inserting step comprises inserting header data that identifies the source gateway, an interim gateway and a destination gateway. Claim 9 depends from claim 8 and further recites that the header data identifying an interim gateway is stripped off the data packets containing the call setup request by the interim gateway such that the

information identifying the source gateway and the destination gateway is left in tact. Claims 17 and 18 depend from claim 14 and recite similar features.

The Office Action asserts that the Sasagawa reference discloses the additional features recited in claims 8, 9, 17 and 18. However, it appears that the Sasagawa reference does not contemplate, describe or even suggest the use of an interim gateway.

Fig. 1 of Sasagawa discloses the overall system which is used to carry telephone calls over the internet. As shown in Fig. 1, a first router 9 is located on one side of the internet 11 and a second router 10 is located on the other side of the internet 11. The routers 9, 10 correspond to the claimed gateways. Note, no interim router or gateway is disclosed or used in any of the apparatus or methods disclosed in Sasagawa.

Instead, the Office Action improperly focuses upon an IP communications interface device which would communicate with a gateway/router which then sends digital data packets over the internet. The Office Action focuses on three processors which are used in the IP communications interface device. Those processors do not correspond to the claimed gateways, and they perform an entirely different function than the claimed gateways.

Because the Sasagawa reference fails to disclose or suggest any method or apparatus which utilizes interim gateways to accomplish the communications of digital data packets over the internet, it is respectfully submitted that claims 8, 9, 17 and 18 are also allowable for the additional features which they recite.

In view of all the foregoing, withdrawal of the rejection of claims 6-9, 17 and 18 is respectfully requested.
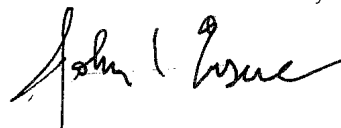
V.   NEW CLAIMS 19-26

By this Amendment, new claims 19-26 are added to the application. These claims focus

on alternate embodiments which are also disclosed in the present application. It is respectfully

submitted that none of the references of record disclose or suggest these methods.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition

for allowance. If the Examiner believes that additional changes are necessary to place the

application in condition for allowance, the Examiner is invited to contact the undersigned at the

telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this,

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and

please credit any excess fees to such deposit account.

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Respectfully submitted,
KED & ASSOCIATES, LLP

John C. Eisenhart
Registration No. 38,128

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P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777 JCE/krf
Date: November 29, 2007
Please direct all correspondence to Customer Number 34610
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